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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/822,895      | 04/12/2004  | Wang Tien Chao       |                     | 3993             |

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EXAMINER

LU, ZHIYU

ART UNIT PAPER NUMBER

2618

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/822,895 | <b>Applicant(s)</b><br>CHAO ET AL. |  |
|                              | <b>Examiner</b><br>Zhiyu Lu          | <b>Art Unit</b><br>2618            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Coan (US Patent#6987950).

Regarding claim 1, Coan anticipates a portable electronic device, comprising:

an antenna duplexer (106 of Fig. 3);

an antenna used for transmitting or receiving the signals (104 of Fig. 3); and

a switch positioned between the antenna duplexer with the antenna (102A of Fig.

3), wherein, when the switch is closed, the antenna duplexer, the switch and the antenna will be electrically connected, and when the switch is open, the antenna duplexer and antenna will be disconnected (Fig. 3).

Regarding claim 2, Coan anticipates the limitation of claim 1.

Coan also anticipates further comprising a cover (inherent).

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2. Claims 4 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Karlstrom (US Patent#4414661).

Regarding claim 4, Karlstrom anticipates a portable electronic device having a control apparatus and an antenna used for transmitting or receiving signals, comprising:

an entering calls confining apparatus (60 of Fig. 3), which can make an electronic connection between the control apparatus and the antenna, so that entering calls are accepted, and can disconnect the control apparatus from the antenna so that entering calls are blocked (column 5 line 57 to column 6 line 11).

Regarding claim 6, Karlstrom anticipates the limitation of claim 4.

Karlstrom also anticipates the entering call confining apparatus is a switch (column 6 lines 20-37).

Regarding claim 7, Karlstrom anticipates the limitation of claim 6.

Karlstrom also anticipates the limitation of further comprising a cover (inherent to electronic device), including the control apparatus (inherent in column 6 lines 7-8) and the entering call confining apparatus therein (60 of Fig. 3).

Regarding claim 8, Karlstrom anticipates the limitation of claim 7.

Karlstrom also anticipates a button controlling said switch is positioned on the cover (column 6 lines 20-37).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coan (US Patent#6987950) in view of Oshiyama et al. (US Patent#6753827).

Regarding claim 3, Coan teaches the limitation of claim 2.

But, Coan does not expressly disclose the switch is mechanically connected to a button on the cover, such that when the button slides to one side, it closes the switch, and when the button slides to an opposite side, it opens the switch.

However, Coan teaches that the switch can be in any form (column 3 line 65 to column 4 line 2).

Oshiyama et al. teaches using mechanical slide switch to disconnect antenna (Figs. 12A-B, column 7 lines 20-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate mechanical slide switch taught by Oshiyama et al. into the portable electronic device, in order to carry out a switching connection.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coan (US Patent#6987950) in view of Oshiyama et al. (US Patent#6753827) and Ito (US Patent#6996416).

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Regarding claim 9, Coan teaches a method of using a multi-functional cellular phone comprising steps of:

providing an antenna (104 of Fig. 3);

providing electrical circuits (108 and 110 of Fig. 3) operating and operated by said antenna;

providing a switch (202 of Fig. 3); wherein

when said cellular phone is performed for non-communication usages (no transmission mode), the antenna does not function under a condition of the switch being activated for such disconnection (column 1 lines 35-62).

But, Coan does not expressly disclose the switch being accessible from an exterior and when said cellular phone is performed for non-communication usages including picture taking or music playing.

However, Coan teaches that the switch can be in any form (column 3 line 65 to column 4 line 2).

Oshiyama et al. teaches using mechanical slide switch to disconnect antenna (Figs. 12A-B, column 7 lines 20-30).

Ito teaches a method of disabling transmitter sections and/or receiver sections to disable communication functions when the cellular phone is performed audio-related function (column 7 lines 54-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate mechanical slide switch taught by Oshiyama et al. and stopping communication sections for non-communication usage taught by Ito into the

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portable electronic device, in order to carry out a switching connection when preventing interruption to non-communication usage.

5. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Karlstrom (US Patent#4414661) in view of Coan (US Patent#6987950)

Regarding claim 5, Karlstrom teaches the limitation of claim 4.

But, Karlstrom does not expressly disclose the control apparatus is an antenna duplexer.

Coan teaches having an antenna duplexer as control apparatus (column 1 lines 35-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate antenna duplexer taught by Coan into the portable electronic device of Karlstrom, in order to provide convenient transmit and receive switching.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837.

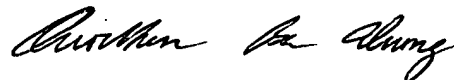
The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vuong Quochien can be reached on (571) 272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu  
August 14, 2007

 8/21/06

QUOCHIEN B. VUONG  
PRIMARY EXAMINER